

May 23, 2001

Statement on the Congressional Education Plan

Mr. PAUL. Mr. Chairman, thirty-six years ago Congress blatantly disregarded all constitutional limitations on its power over K-12 education by passing the Elementary and Secondary Education Act (ESEA). This act of massive federal involvement in education was sold to the American people with promises that federal bureaucrats had it within their power to usher in a golden age of education. Yet, instead of the promised nirvana, federal control over education contributed to a decline in education quality. Congress has periodically responded to the American people's concerns over education by embracing education "reforms," which it promises are the silver bullet to fixing American schools. "Trust us," proponents of new federal education programs say, we have learned from the mistakes of the past and all we need are a few billion more dollars and some new federal programs and we will produce the educational utopia in which "all children are above average." Of course, those reforms only result in increasing the education bureaucracy, reducing parental control, increasing federal expenditures, continuing decline in education and an inevitable round of new "reforms."

Congress is now considering whether to continue this cycle by passing the national five-year plan contained in H.R. 1, the so-called "No Child Left Behind Act." A better title for this bill is "No Bureaucrat Left Behind" because, even though it's proponents claim H.R. 1 restores power over education to states and local communities, this bill represents a massive increase in federal control over education. H.R. 1 contains the word "ensure" 150 times, "require" 477 times, "shall" 1,537 and "shall not" 123 times. These words are usually used to signify federal orders to states and localities. Only in a town where a decrease in the rate of spending increases is considered a cut could a bill laden with federal mandates be considered an increase in local control!

H.R. 1 increases federal control over education through increases in education spending. Because "he who pays the piper calls the tune," it is inevitable that increased federal expenditures on education will increase federal control. However, Mr. Chairman, as much as I object to the new federal expenditures in H.R. 1, my biggest concern is with the new mandate that states test children and compare the test with a national normed test such as the National Assessment of Education Progress (NAEP). While proponents of this approach claim that the bill respects state autonomy as states' can draw up their own tests, these claims fail under close observation. First of all, the very act of imposing a testing mandate on states is a violation of

states' and local communities' authority, protected by the 10th Amendment to the United States Constitution, to control education free from federal interference.

Some will claim that this does not violate states' control because states are free to not accept federal funds. However, every member here knows that it is the rare state administrator who will decline federal funds to avoid compliance with federal mandates. It is time Congress stopped trying to circumvent the constitutional limitations on its authority by using the people's own money to bribe them into complying with unconstitutional federal dictates.

Mr. Chairman, H.R. 1 will lead to de facto, if not de jure, national testing. States will inevitably fashion their test to match the ``nationally-normed'' test so as to relieve their students and

teachers of having to prepare for two different tests. Furthermore, states will feel pressure from employers, colleges, and perhaps even future Congresses to conform their standards with other national tests ``for the children's sake.'' After all, what state superintendent wants his state's top students denied admission to the top colleges, or the best jobs, or even student loans, because their state's test is considered inferior to the ``assessments'' used by the other 49 states?

National testing will inevitably lead to a national curriculum as teachers will teach what their students need to know in order to pass their mandated ``assessment.'' After all, federal

[Page: H2418] [GPO's PDF](#) funding depends on how students perform on these tests! Proponents of this approach dismiss these concerns by saying ``there is only one way to read and do math.'' Well then what are the battles about phonics versus whole language or new math versus old math about? There are continuing disputes about teaching all subjects as well as how to measure mastery of a subject matter. Once federal mandatory testing is in place however, those arguments will be settled by the beliefs of whatever regime currently holds sway in DC. Mr. Chairman, I would like my colleagues to consider how comfortable they would feel supporting this bill if they knew that in five years proponents of fuzzy math and whole language could be writing the NAEP?

Proponents of H.R. 1 justify the mandatory testing by claiming it holds schools ``accountable.'' Of course, everyone is in favor of holding schools accountable but accountable to whom? Under this bill, schools remain accountable to federal bureaucrats and those who develop the state tests upon which participating schools performance is judged. Even under the much touted Straight ``A''s proposal, schools which fail to live up to their bureaucratically-determined ``performance goals'' will lose the flexibility granted to them under this act. Federal and state

bureaucrats will determine if the schools are to be allowed to participate in the Straight "A" programs and bureaucrats will judge whether the states are living up to the standards set in the state's education plan--yet this is the only part of the bill which even attempts to debureaucratize and decentralize education!

Under the United States Constitution, the federal government has no authority to hold states "accountable" for their education performance. In the free society envisioned by the founders, schools are held accountable to parents, not federal bureaucrats. However, the current system of imposing oppressive taxes on America's families and using those taxes to fund federal education programs denies parental control of education by denying them control over their education dollars.

As a constitutional means to provide parents with the means to hold schools accountable, I have introduced the Family Education Freedom Act (H.R. 368). The Family Education Freedom Act restores parental control over the classroom by providing American parents a tax credit of up to \$3,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principle of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free society maximizes human happiness.

When parents control the education dollar, schools must be responsive to parental demands that their children receive first-class educations, otherwise, parents will find alternative means to educate their children. Furthermore, parents whose children are in public schools may use their credit to improve their schools by purchasing of educational tools such as computers or extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services for their children.

According to a recent Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts the average SAT verbal score by 21 points and the student's SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the NAEP tests.

I have also introduced the Education Quality Tax Cut Act (H.R. 369), which provides a \$3,000 tax deduction for contributions to K-12 education scholarships as well as for cash or in-kind donations to private or public schools. The Education Quality Tax Cut Act will allow concerned citizens to become actively involved in improving their local public schools as well as help underprivileged children receive the type of education necessary to help them reach their full potential. I ask my colleagues: ``Who is better suited to lead the education reform effort: parents and other community leaders or DC-based bureaucrats and politicians?"

If, after the experience of the past thirty years, you believe that federal bureaucrats are better able to meet children's unique educational needs than parents and communities then vote for H.R. 1. However, if you believe that the failures of the past shows expanding federal control over the classroom is a recipe for leaving every child behind then do not settle for some limited state flexibility in the context of a massive expansion of federal power: Reject H.R. 1 and instead help put education resources back into the hands of parents by supporting my Family Education Freedom Act and Education Improvement Tax Cut Act.